

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Geraldine Marsh v. Wal-Mart Stores East, L.P.

Case Number	40D01-2103-CT-000006
Court	Jennings Superior Court
Type	CT - Civil Tort
Filed	03/25/2021
Status	03/25/2021 , Pending (active)

Parties to the Case

Defendant Wal-Mart Stores East, L.P.

Address c/o CT Corporation System
334 North Senate Avenue
Indianapolis, IN 46204

Plaintiff Marsh, Geraldine

Attorney Brad Smith
#2278347, Retained
104 Franklin Road
Bloomington, IN 47404
812-332-9451(W)

Chronological Case Summary

03/25/2021 **Case Opened as a New Filing**

03/25/2021 **Complaint/Equivalent Pleading Filed**

Complaint for Damages

Filed By: Marsh, Geraldine
File Stamp: 03/25/2021

03/25/2021 **Appearance Filed**

Appearance

For Party: Marsh, Geraldine
File Stamp: 03/25/2021

03/25/2021 **Subpoena/Summons Filed**

Summons to Wal-Mart

Filed By: Marsh, Geraldine
File Stamp: 03/25/2021

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued - if applicable - since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Marsh, Geraldine

Plaintiff

Balance Due (as of 04/30/2021)
0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
03/25/2021	Transaction Assessment	157.00
03/25/2021	Electronic Payment	(157.00)

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40D01-2103-CT-000006

Jennings Superior Court

Filed: 3/25/2021 10:56 AM

Clerk

Jennings County, Indiana

STATE OF INDIANA) IN THE JENNINGS COURT
) SS:
COUNTY OF JENNINGS) CAUSE NO.

GERALDINE MARSH

VS.

WAL-MART STORES EAST, L.P.

COMPLAINT FOR DAMAGES

FIRST CAUSE OF ACTION

Comes now the plaintiff, Geraldine Marsh, by counsel, Ken Nunn Law Office, and for cause of action against the defendant, Wal-Mart Stores East, L.P., alleges and says:

1. That on or about January 16, 2021, the plaintiff, Geraldine Marsh, was a customer at the Wal-Mart store located at 2410 North State Highway 3 in North Vernon, Jennings County, Indiana.
2. That on or about January 16, 2021, the plaintiff, Geraldine Marsh, slipped and fell on the snow and/or ice covered parking lot at said location, causing the plaintiff to suffer serious injuries.
3. That it was the duty of the defendant to use ordinary care and diligence to keep and maintain the said premises in a condition reasonably safe for its intended uses and free from all defects and conditions which would render the premises dangerous and unsafe for plaintiff, or present an unreasonable risk of harm to plaintiff in her lawful use of same.
4. That it was the duty of the defendant to exercise reasonable care to protect plaintiff, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable use of said premises.
5. That it was the duty of the defendant to have available sufficient personnel and equipment to properly inspect and maintain the aforesaid premises in a condition reasonably safe for plaintiff and free from defects and conditions rendering the premises unsafe.
6. That it was the duty of the defendant to warn plaintiff of the dangerous and unsafe condition existing on said premises.

-2-

7. That the defendant knew or should have known of the unreasonable risk of danger to the plaintiff but failed either to discover it or to correct it after discovery.

8. That the fall and resultant permanent injuries of plaintiff were caused by the negligence of the defendant who failed to utilize reasonable care in the inspection and maintenance of said premises.

9. That the aforesaid acts of negligence on the part of the defendant were the proximate cause of the injuries sustained by the plaintiff.

10. That the plaintiff has incurred medical expenses and other special expenses, and will incur future medical expenses, lost wages and other special expenses, as a direct and proximate result of defendant's negligence.

WHEREFORE, the plaintiff demands judgment against the defendant for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses and other special expenses, for future medical expenses, lost wages and other special expenses, court costs, and all other proper relief in the premises.

KEN NUNN LAW OFFICE

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Phone: (812) 332-9451
Fax: (812) 331-5321
E-mail: brads@kennunn.com

REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

- 3 -

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Attorney for Plaintiff

40D01-2103-CT-000006

Jennings Superior Court

Filed: 3/25/2021 10:56 AM
Clerk
Jennings County, Indiana**APPEARANCE FORM (CIVIL)****Initiating Party**

CAUSE NO:	
1. Name of first initiating party	Geraldine Marsh 3639 Atkinson Circle North Vernon, IN 47265
2. Telephone of pro se initiating party	NA
3. Attorney information (as applicable for service of process)	Bradford J. Smith #22783-47 Ken Nunn Law Office 104 South Franklin Road Bloomington, IN 47404 PHONE: 812 332-9451 FAX: 812 331-5321 Email: bjsmith@kennunn.com
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	YES
6. Are there related cases	NO
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

s/Bradford J. Smith

Attorney-at-Law

(Attorney information shown above.)

40D01-2103-CT-000006

Jennings Superior Court

Filed: 3/25/2021 10:56 AM
Clerk
Jennings County, Indiana

CIRCUIT/SUPERIOR COURT FOR THE COUNTY OF JENNINGS
STATE OF INDIANA
COURTHOUSE, 25 PIKE STREET
VERNON, INDIANA 47282

Geraldine Marsh

Plaintiff(s)

VS.

No.

Wal-Mart Stores East, L.P.

Defendant(s)



SUMMONS

The State of Indiana to Defendant: **Wal-Mart Stores East, L.P., c/o CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204**

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Date: 3/25/2021


CLERK, JENNINGS CIRCUIT COURT PC

BRADFORD J. SMITH, #22783-47
ATTORNEY FOR PLAINTIFF
KEN NUNN LAW OFFICE
104 FRANKLIN ROAD
BLOOMINGTON, IN 47404
TELEPHONE: (812)332-9451

ACKNOWLEDGEMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____ this ____ day of _____, 2021.

SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By _____ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: s/ BRADFORD J. SMITH
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING: I certify that on the ___ day of _____, 2021, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this ___ day of _____, 2021.

CLERK, JENNINGS CIRCUIT COURTS

RETURN OF SERVICE OF SUMMONS BY MAIL: I hereby certify that service of summons with return receipt requested was mailed on the ___ day of _____, 2021, and that a copy of the return of receipt was received by me on the ___ day of _____, 2021, which copy is attached herewith.

CLERK, JENNINGS CIRCUIT COURTS

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL: I hereby certify that on the ___ day of _____, 2021, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this ___ day of _____, 2021, and I did deliver said summons and a copy of the complaint to the Sheriff of Jennings County, Indiana.

Dated this ___ day of _____, 2021.

CLERK, JENNINGS CIRCUIT COURTS

RETURN OF SUMMONS: This summons came to hand on the ___ day of _____, 2021, and I served the same on the ___ day of _____, 2021.

1. By mailing a copy of the summons and complaint personally to _____ address _____.
2. By delivering a copy of summons and complaint personally to _____.
3. By leaving a copy of the summons and complaint at _____ the dwelling house or usual place of abode of defendant: _____ (Name of Person) and by mailing by first class mail a copy of the summons on the ___ day of _____, 2021 to _____ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: _____.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this ___ day of _____, 2021.

SHERIFF or DEPUTY

RETURN ON SERVICE OF SUMMONS: I hereby certify that I have served the within summons:

1. By delivery on the ___ day of _____, 2021 a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____.
2. By leaving on the ___ day of _____, 2021 for each of the within named defendant(s) _____ a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. _____ and by mailing a copy of the summons without the complaint to _____ at _____ the last known address of defendant(s).

All done in Jennings County, Indiana.

Fees: \$ _____

SHERIFF or DEPUTY